



#9/Pat
06-27-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Art Unit: 1646
)
TORIGOE et al.) Examiner: D. Jiang
)
Appln. No.: 09/786,130) Washington, D.C.
)
Filed: March 1, 2001) June 25, 2002
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For: INTERLEUKIN 18-BINDING) Atty. Docket: TORIGOE=4
 PROTEIN...
)
Confirmation No. 8207)

RESPONSE

RECEIVED

Honorable Commissioner for Patents
Washington, D.C. 20231

JUN 26 2002

TECH CENTER 1600/2900

Sir:

The Office Action of April 29, 2002, Paper No. 8, primarily in the nature of a restriction requirement, has been carefully reviewed. Petition and payment for a one month extension of time is attached. Favorable consideration is respectfully requested.

Restriction has been required between what the examiner deems to be two patentably distinct inventions, namely:

Group I, claims 1-9, in part, drawn to an IL-18 binding protein comprising SEQ ID NO:1, and a DNA encoding the protein and having the sequence of SEQ ID NO:32; and

Group II, claims 1-9, in part, drawn to an IL-18 binding protein comprising SEQ ID NO:2, and a DNA encoding the protein and having SEQ ID NO:33.

Applicants provisionally elect with traverse Group I, drawn to an IL-18 binding protein comprising the sequence of SEQ ID

NO:1 and a DNA encoding the protein and having the sequence of SEQ ID NO:32.

The requirement is respectfully traversed on the basis of the second paragraph of MPEP §803 which requires that there be a "serious burden" in order to make a restriction requirement, even if the requirement is otherwise correct. In the present case, the IL-18 binding proteins of SEQ ID NO:1 (Group I) and SEQ ID NO:2 (Group II) are respectively, human and mouse homologues of the same protein. Applicants submit that a complete search would necessarily cover both the human and mouse homologues, and therefore, there would be no "serious burden" in examining both Groups I and II.

Withdrawal of the restriction requirement and examination of all the claims on the merits are respectfully requested.

Respectfully submitted,

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